

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

WILLIAM L. BURRELL, JR., JOSHUA :
HUZZARD, and DAMPSEY STUCKEY, : CIVIL ACTION NO. 3:14-CV-1891
individually and as representatives of : (JUDGE MARIANI)
the classes, : (Magistrate Judge Saporito)

Plaintiffs,

v.

LACKAWANNA RECYCLING
CENTER, INC., LACKAWANNA
COUNTY SOLID WASTE
MANAGEMENT AUTHORITY,
LACKAWANNA COUNTY, LOUIS
DENAPLES, DOMINICK DENAPLES,
and THOMAS STAFF,

Defendants.

ORDER

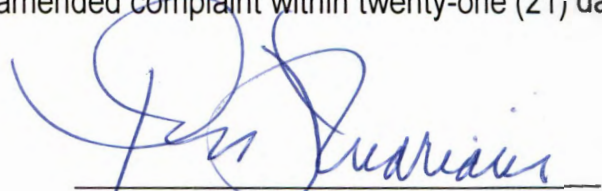
AND NOW, THIS 6th DAY OF AUGUST 2021, upon consideration of

Magistrate Judge Joseph F. Saporito's Report and Recommendation ("R&R") (Doc. 120),
Defendants' motions to dismiss (Docs. 99, 101, 102, 103) and all relevant documents, for
the reasons set forth in the accompanying Memorandum Opinion, **IT IS HEREBY**

ORDERED THAT:

1. The R&R (Doc. 120) is **ADOPTED IN PART**;
2. The Rule 12(b)(6) Motion to Dismiss Second Amended Complaint by Defendants
Lackawanna County and Thomas Staff (Doc. 99) is **GRANTED**;

3. The Motion to Dismiss by Lackawanna County Recycling Center, Inc. (Doc. 101) is **GRANTED**;
4. The Motion to Dismiss by Louis DeNaples and Dominic DeNaples (Doc. 102) is **GRANTED**;
5. The Motion to Dismiss Plaintiffs' Second Amended Complaint Pursuant to F.R.C.P. 12(b)(6) by Defendant, Lackawanna County Solid Waste Management Authority (Doc. 103) is **GRANTED**;
6. Count I (Trafficking Victims Protection Act), Count II (42 U.S.C. § 1983 Thirteenth Amendment), Count III (Fair Labor Standards Act), Count IV (Pennsylvania Minimum Wage Act), Count V (Pennsylvania Wage Payment and Collection Law), and Count VII (Unjust Enrichment) of Plaintiffs' Second Amended Complaint (Doc. 77) are **DISMISSED WITHOUT PREJUDICE**;
7. Count VI (RICO) is **DISMISSED WITH PREJUDICE** as to Defendants Lackawanna County, Lackawanna County Solid Waste Management Authority, and Thomas Staff in his official capacity and **DISMISSED WITHOUT PREJUDICE** as to Defendants Louis DeNaples, Dominick DeNaples, and the Lackawanna County Recycling Center, Inc.;
8. Plaintiffs are granted leave to file an amended complaint within twenty-one (21) days of the date of this Order.



Robert D. Mariani
United States District Judge